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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 3-07-70134 JCS
Plaintiff,)	
v.)	UNITED STATES' SUBMISSION
)	REGARDING DETENTION
CHRISTOPHER NIU,)	
Defendant.)	

For the Court's consideration, the United States submits the attached compact disk containing selected recorded jail calls of the defendant that the United States believes are pertinent to the issue of detention. Audio files of the calls were e-mailed to defense counsel on March 29, 2007.

The United States believes that the following portions of the recorded telephone calls demonstrate that the defendant is a risk of flight and that there is a risk that the defendant may destroy evidence were he released from custody. The times related below are the minute and second at which the pertinent portion of the call begins. The United States also provides some additional context based on information that has been related by the case agent in this matter:

- 1 • Niu.call.1.wav – The defendant is speaking with his sister. At approximately
2 3:15, the defendant asks his sister to call “MJ” and tells her that “MJ’s” number is
3 in one of his telephones. The case agent believes that “MJ” is one of the
4 defendant’s methamphetamine suppliers.
- 5 • Niu.call.2.wav – The defendant is again speaking with his sister. At
6 approximately 1:00, the defendant’s sister tells Niu that “MJ” is coming to speak
7 with her. At 2:40, the telephone is passed to Lisa, the defendant’s fiancée. At
8 approximately 3:00, the defendant tells Lisa that he told her that they should have
9 moved. The defendant then asks Lisa whether the truck was taken away, whether
10 the truck was searched, and if anything was found.
- 11 • Niu.call.3.wav – at approximately 5:00, the defendant and Lisa, his fiancée,
12 discuss the defendant’s belief that they should have moved. The defendant says
13 that he should have taken his vacation and gone to Tonga.
- 14 • Niu.call.4.wav – at approximately 0:50, the defendant and his sister discuss a
15 black truck and a Land Rover that were identified on search warrants. The
16 defendant’s sister says that they did not mention the Yukon and that someone is
17 going to pay for a cover to cover it up. When the defendant’s sister says that law
18 enforcement officers have the license plate numbers for the trucks, the defendant
19 instructs her to have someone remove the plates.
- 20 • Niu.call.5.wav – at approximately 0:16, the defendant asks his sister whether Lisa,
21 his fiancée, has deleted his myspace account. At approximately 1:00, the
22 defendant’s sister initiates a three-way call with Lisa, and the defendant tells Lisa
23 to delete his account when she gets to his mom’s house.
- 24 • Niu.call.6.wav – at approximately 0:20, the defendant’s sister says that Lisa is
25 trying to delete the account. At approximately 0:45, the telephone is passed to
26 Lisa, and at approximately 1:25, Lisa says that “it’s done,” meaning that she has
27 deleted the account.
- 28 • Niu.call.7.wav – much of the conversation on this telephone call appears to be in
Tongan; however, the general sense of the call is that Lisa is looking through files

in one of the defendant's computer accounts and relating information to him.

DATE: March 29, 2007

Respectfully submitted,

SCOTT N. SCHOOLS
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